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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WEST, THOMAS C

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/857,043	Applicant(s) DOKI, TAKAYUKI	
	Examiner THOMAS WEST	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49, 50 and 69-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49, 50, 69, 70-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 23, 2009 has been entered.
2. Claims 49, 50, 69, 70-74 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 49, 69, 71-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to disclose an "online provision device", "an ID number which is associated with the service or product", "at the retail location", "displaying at the information terminal device the ID number".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 49, 50, 69, 70-74 are rejected under U.S.C. 102(e) as being unpatentable over Sehr, US Patent No. 6,999,936.

Claims 49, 69:

receiving, by an online provision device (POS 313), a request for a specific service (col. 6, lines 13-33) of from an information terminal device (portable terminal 315) over a public network (global communication link 1234);

receiving, by the online provision device (POS 313), a request for an ID number (col. 17, lines 3-15 visitor ID) which is associated with the service or product requested by said information terminal device over the public network (global communication link 1234);

transmitting, by the online provision device (POS 313), over the public network (global communication link 1234) to said information terminal device and a settlement authentication device (certification center col. 4, lines 20-33), the ID number (visitor ID)

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which is associated with the service or product (goods and services) requested by said information terminal device (column 19, lines 24-33 authentication, id, balance, col. 16, lines 28-67, col. 17, lines 1-67, fig. 4);

presenting the ID number received by the information terminal device which is associated with the service or product requested by said information terminal device at a settlement terminal device at a retail location and paying a money amount by a user at the retail location (merchant location), said money amount being associated with the service or product requested by the information terminal device (col. 12, lines 19-27 POS PIN, column 18, lines 62-67, column 19, lines 1-7 balance, col. 28, lines 40-46 settlement authentication, col. 25, lines 24-43);

transmitting, by the settlement terminal device, the ID number and the money amount to the settlement authentication device (col. 25, lines 24-67, col. 26, lines 1-12);

determining, by the settlement authentication device, whether the service or product requested by the information terminal device can be provided to the user by referring to said ID number, the balance information, and the service or product amount as a settlement result (column 19, lines 24-33 authentication, id, balance, col. 25, lines 24-67, col. 26, lines 1-12);

transmitting, by the settlement authentication, the settlement result over the public network to the online provision device (col. 16, lines 55-67 approved/denied, balance) providing the service or product requested by the information terminal device to the user when the settlement result indicates that the balance information exceeded the service

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amount the settlement is authenticated (col. 28, lines 1-8, col. 28, lines 40-42 query, col. 28, lines 5-8 authenticate, col. 16, lines 55-67 approved/denied, balance)

wherein the settlement authentication device (certification center col. 4, lines 20-33), is configured to receive over the public network (global communication link 1234), from a settlement terminal device (POS 313), the ID number (col. 17, lines 3-15 visitor ID) presented by a user and a money amount (column 19, lines 24-33 authentication, id, balance) associated with the service requested and paid by the user at the settlement terminal device, to determine whether the service or product requested by the information terminal device (portable terminal 315) can be provided to the user by referring to the ID number which is associated with the service or product requested by the information terminal device, and the service or product amount as a settlement result, and to transmit the settlement result over the public network to the service provision device (col. 28, lines 40-46 settlement authentication, col. 16, lines 55-67 approved/denied, balance, col. 16, lines 28-67, col. 17, lines 1-67, fig. 4);

Claim 50:

wherein, when determining whether said service or product can be provided, if the current balance is less than the service amount of the particular service to be provided by a predetermined amount of money, said settlement authentication device causes the transmission of warning information to said information terminal device (col. 19, lines 7-10 remaining balance col. 23, lines 43-44 warning, col. 25, lines 24-67, col. 26, lines 1-12).

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Claim 70:

wherein, the settlement authentication device causes the transmission of warning information to the information terminal device if the current balance is less than the service or product amount of the service or product to be provided by a predetermined amount of money (col. 19, lines 7-10 remaining balance col. 23, lines 43-44 warning)..

Claim 71:

issuing, by the online provision device to the information terminal device over the public network, an online slip (electronic receipt) that contains the ID number (validation code) which is associated with the service or product requested by the information terminal device over the public network (col. 8, lines 49-67, col. 14, lines 1-53, col. 25, lines 24-67, col. 26, lines 1-12).

Claim 72:

displaying at the information terminal device the ID number which is associated with the service or product requested by the information terminal device over the public network (col. 6, lines 13-33).

Claim 73:

wherein the online provision device is configured to issue, to the information terminal device over the public network, an online slip that contains the ID number which is associated with the service or product requested by the information terminal device over

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the public network (col. 8, lines 49-67, col. 14, lines 1-53, col. 25, lines 24-67, col. 26, lines 1-12).

Claim 74:

wherein the information terminal device is configured to display the ID number which is associated with the service or product requested by the information terminal device over the public network (col. 14, lines 1-53).

Response to Arguments

7. Applicant's arguments filed April 23, 2009 have been fully considered but they are not persuasive. Applicant's arguments will be addressed in sequential order as they were set forth in the "Remarks" section. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "transmitting by the online service device", "online provision device", "which is associated with the service or product") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant argues that Sehr does not disclose a online provision device and information terminal, request from a information terminal device, or transmitting over a public network, settlement authentication device. Sehr discloses a online provision device (POS 313, also acting as a settlement terminal device), and an information terminal device (portable terminal

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315) and, a request for a specific service (col. 6, lines 13-33), transmitting over a public network (global communication link 1234), a settlement authentication device (certification center col. 4, lines 20-33). Applicant argues that Sehr does not disclose an ID number communicated over a network. Sehr discloses a PIN communicated over a global link for authorization/approval, settlement result (col. 13, lines 7-38). Arguments pertaining to claims 69 and 70 are covered above. Sehr discloses a multi-service visitor card for use with goods and services that is associated with a visitor ID number, col. 16, lines 28-67, col. 17, lines 1-67, fig. 4.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on Tuesday and Wednesday 7:30am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West
Patent Examiner
Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621